

pay a special minimum fee of Ten (\$10.00) Dollars for each motor propelled vehicle, and a further fee, computed on the basis of Three (\$3.00) Dollars per passenger seat for the rated passenger capacity of the vehicle or vehicles used.

If the certificate of convenience and necessity herein referred to is issued after the month of September of any year, the fees paid shall be proportionate to the remaining portion of the year ending August 31st following, but in no case less than one-fourth the annual fee. In case of emergencies or unusual temporary demands for transportation, the fee for additional motor propelled vehicles for less periods shall be fixed by the Commission in such reasonable amounts as may be prescribed by general rule or temporary order.

All fees accruing hereunder and all fines and penalties collected under the provisions of this Act shall be payable to the State Treasurer at Austin, Texas, and shall, by the State Treasurer be deposited in the State Treasury at Austin and be credited to the fund to be known and designated as the "Motor Transportation Fund," and out of which all warrants for expenditures necessary in administering and enforcing this Act shall be paid."

Sec. 7. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 8. If any Section, subsection, sentence, clause or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

Sec. 9. The fact that the amendments and additions to H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas, 1927, contained in this Act are essential and necessary to the proper regulation of motor bus transportation, and the further fact that the legislative calendar is crowded, and the end of the present session of the Legislature draws near, create an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and that this Act shall take effect and be in full force from and

after its passage, and such rule is hereby suspended, and it is so enacted.

FORTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, March 13, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

Executive Department,
Austin, Texas, March 7, 1929.
To the Honorable Senate of the State of Texas:

Senate Chamber.

Gentlemen:

The bill increasing the member-

ship of the Board of Regents of the State Teachers Colleges has been approved by me and filed with the Secretary of State. I appoint the following named gentlemen, subject to your confirmation, to fill the places created by this bill:

Honorable W. H. Frey of Erath county; Honorable Thomas H. Ball of Harris county; Honorable E. H. Krohn of El Paso county.

I also appoint, subject to your confirmation, the following persons:

Board of Medical Examiners for the State of Texas: Dr. H. W. Cummings, Robertson county; Dr. Joe Becton, Hunt county; Dr. L. H. Reeves, Tarrant county; Dr. N. D. Buie, Falls county; Dr. T. J. Crowe, Dallas county; Dr. M. E. Daniels, Fannin county; Dr. Wm. Roddy, Williamson county; Dr. S. C. Scothern, Dallas county; Dr. H. C. Morrow, Travis county; Dr. H. H. Blankmeyer, San Patricio county.

Upon the recommendation of the Senator and a majority of the Representatives from the Sixteenth Senatorial District I appoint the following named persons as public weighers for Harris county:

C. S. Gainer, Jr.; D. Rice, H. B. Rice, Jr.; C. P. Reynaud, C. L. Downey, J. D. Woolford, R. E. Tankersley, A. E. Cole, L. D. Bangard, John H. Lewis, T. E. Mulvihill, C. G. Timmins, Sr.; R. R. Cottingham, E. R. Morgan, D. A. Daly.

Respectfully submitted,
DAN MOODY,
Governor.

Read and referred to the Committee on Governor's Nominations.

Executive Department,
Austin, Texas, March 13, 1929.
To the Honorable Senate of Texas:

I have made the following appointments to the following named offices, subject to your confirmation:

To be members of the Commission of Appeals of Court of Criminal Appeals to succeed themselves at the expiration of their present terms: Hon. George E. Christian of Burnet County, Hon. A. B. Martin of Hale County.

To be members of the State Board of Health: Dr. J. M. Frazier of Bell County, Dr. Joe S. Wooten of Travis County.

To be members of the Board of

Regents of College of Industrial Arts: Mrs. W. E. Spell of McLennan County; Mrs. Lee Joseph of Travis County, Mrs. H. F. Ring of Harris County, succeeding themselves; Hon. R. H. Hoffman of Denton County succeeding J. W. DeGann.

To be member of the Texas Prison Board: Hon. Fred E. Horton of Hunt County.

To be members of the Pilot Commission for Sabine Pass Rivers and Tributaries: Mr. W. L. Weatherall of Jefferson County; Mr. George M. Craig of Jefferson County; Mr. J. S. Edwards of Jefferson County; Mr. P. P. Butler of Jefferson County; Mr. H. L. McNeil of Orange County.

To be members of State Board of Pharmacy: Mr. Erwin Joseph of Travis County; Mr. Paul Carrol of Bowie County; Mr. John A. Weeks of Runnels County; Mr. C. Bryan Allison of Dallas County.

To be Public Weigher for Harris County: Mr. G. T. Christensen of Harris County.

Respectfully submitted,
DAN MOODY,
Governor.

The report was read and referred to the Committee on Governor's Nominations.

Executive Department,
Austin, Texas, March 13, 1929.
To the Honorable Senate of Texas:

Because of an amendment which became necessary to the bill creating the 109th Judicial District, it becomes necessary to re-appoint Hon. J. A. Drane to be district judge of said district to succeed himself.

Because of the amendment which became necessary to the bill creating the 31st and 84th Judicial Districts, and to prevent any question, the following named officers are appointed to succeed themselves to the following named positions:

Hon. Newton P. Willis, to be district judge of the 84th Judicial District.

Hon. J. A. Holmes to be district attorney of the 84th Judicial District.

Hon. Reese Ewing, to be district judge of the 31st Judicial District.

Hon. Clifford G. Braly to be district attorney of the 31st Judicial District.

These appointments are made subject to your confirmation.

Respectfully submitted,
DAN MOODY,
Governor.

The message was read and referred to the Committee on the Governor's Nominations.

Senator Moore moved that the rule requiring Governor's Nominations to lie in Committee three days be suspended and that the Committee be instructed to report on these nominations at 2:00 o'clock p. m. today. The motion prevailed.

S. C. R. No. 47.

Senator Holbrook sent up the following resolution:

Whereas, Much of the time of this Regular Session of the Forty-first Legislature has been consumed in an effort to centralize and improve our State Penitentiary System; and

Whereas, We have arrived at the end without having passed any legislation tending to improve the situation; and

Whereas, It was charged during the discussion of this problem by some members, on the floor of the Senate, and the House, that a majority of the present Board of Prison Commissioners have said that the system should be centralized and that a new plant should be constructed at some point in the State, but without assigning any reason therefor; therefore, be it

Resolved, by the Senate, the House of Representatives concurring, that the said Board of Prison Commissioners be and is hereby requested to go into this matter in as thorough a manner as possible prior to the convening of the First Called Session of the Forty-first Legislature, and communicate to the Governor in writing such information as it, they, or each of them may be able to gather, at least three days prior to the assembling of such Called Session; be it further

Resolved, That said Board of Prison Commissioners be and are hereby granted full power and authority to employ such assistance as may be necessary in carrying out this request, and that the actual expense thus incurred by the Board shall be paid out of any funds appropriated for support of the Prison System; be it further

Resolved, That in making its survey with a view of locating and centralizing the Prison System, the Board first give attention to land now owned by the State. If after the Board has gone into the matter carefully, it decides that the present prison owned land is not best suited for centralizing the system, then, and in that event, it shall render its opinion accordingly and say in its report that in its judgment it would be for the best interest of the State, viewed from a prison standpoint, to locate the central plant elsewhere in the State. In making said report it is the desire of the Legislature to obtain all the information possible from the Board on this question that would in any way help in outlining a legislative policy during the First Called Session of the Forty-first Legislature.

The resolution was read.

Senator Pollard sent up the following substitute for the resolution:

Whereas, it is the desire of the Legislature of Texas to centralize, reorganize and perfect the Penitentiary System of Texas, and have the Prison Board make definite recommendations to the Legislature of Texas. Now therefore, be it

Resolved by the Senate of Texas, and House of Representatives concurring, that the Texas Prison Board be, and they are hereby requested, instructed and commanded to formulate policies and plans for the reorganization and centralization of the Prison System, and for the more efficient control and operation of said System, and report same back to the Legislature of Texas in special called session for its approval or disapproval.

If said Prison Board shall recommend to the Legislature the sale of all or a part of the prison property, it shall state specifically the property so recommended to be sold. The Prison Board shall also report the exact nature of centralization agreed on and what steps will be necessary to carry out its plans. Said Prison Board shall report the cost of any consolidation plan, the manner of centralization, and detail its plans so that its plans shall be plainly before the Legislature.

The farms, if any, desired to be sold, should be presented to the Legislature, together with the plan of

sale, the minimum price expected to be received, and the manner in which sales may be made; provided that in no event, can the Prison sell, attempt to sell, or in any wise dispose of any prison property unless and until express authority is given by the Legislature of Texas.

If any exchange of prison property is to be made for more desirable property in the centralization plan, same shall be so stated in the report to the Legislature.

The Governor, Attorney General, the Lieutenant Governor, and the Speaker of the House of Representatives shall act in conjunction with the Texas Prison Board in the formulation of said policies and plans for the reorganization and centralization of said Prison System. In the formulation of such policies and plans and the selection of such site, the Prison Board, and the other officers named, shall be entitled to the assistance of such members of the faculty and other employees of the A. & M. College, the University of Texas, and the Texas Technological College, as may be called upon and asked for assistance.

The actual expenses incurred by any employees or faculty members of any of said institutions, the Governor, the Lieutenant Governor, the Attorney General, and the Speaker of the House of Representatives, in assisting said Board, shall be paid out of the contingent expense fund of the Regular Session of the Forty-first Legislature of Texas.

The substitute resolution was read.

Senator Love moved the previous question on the pending resolution and the substitute. The previous question failed to be ordered by the following vote:

Yeas—10.

Berkeley.	Hyer.
DeBerry.	Love.
Hardin.	Small.
Holbrook.	Witt.
Hornsby.	Woodward.

Nays—15.

Beck.	Parr.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Martin.	Stevenson.
McFarlane.	Thomason.

Williamson.	Woodul.
Wirtz.	

Absent.

Cunningham.	Parrish.
Miller.	Westbrook.
Moore.	

Absent—Excused.

Neal.

Senator Holbrook moved to table the substitute. The motion was lost by the following vote:

Yeas—14.

Cunningham.	Parr.
Gainer.	Parrish.
Holbrook.	Small.
Hornsby.	Westbrook.
Hyer.	Williamson.
McFarlane.	Witt.
Moore.	Woodward.

Nays—14.

Beck.	Miller.
Berkeley.	Patton.
Cousins.	Pollard.
DeBerry.	Stevenson.
Greer.	Thomason.
Love.	Wirtz.
Martin.	Woodul.

Absent.

Hardin.	Russek.
---------	---------

Absent—Excused.

Neal.

The Chair voted nay.

S. C. R. No. 48.

Senator Love moved to suspend the regular order and take up the following resolution:

By Senator Love et al.

Be it resolved by the Senate, the House of Representatives concurring, that the joint rule of the House and Senate, Section No. 11, which provides that no bill can be considered during the last twenty-four hours before the time fixed for sine die adjournment be and the same is hereby suspended.

The motion prevailed by the following vote:

Yeas—21.

Berkeley.	Hardin.
Cunningham.	Hornsby.
DeBerry.	Hyer.
Gainer.	Love.
Greer.	Martin.

McFarlane.	Small.
Miller.	Thomason.
Moore.	Williamson.
Parrish.	Witt.
Patton.	Woodward.
Pollard.	

Nays—9.

Beck.	Westbrook.
Cousins.	Stevenson.
Holbrook.	Wirtz.
Parr.	Woodul.
Russek.	

Absent—Excused.

Neal.

The resolution was read.

Senator Wirtz sent up the following amendment:

Amend the resolution by adding thereto the following:

"Provided no bill shall be so voted upon except it be a local bill or a bill to which no objection is made to laying it before the House."

WIRTZ,
WOODUL.

The amendment was read.

Senator Love moved the previous question on the amendment, and the resolution. The previous question was ordered by the following vote:

Yeas—19.

Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Parrish.
Greer.	Small.
Hardin.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodward.
Martin.	

Nays—9.

Cousins.	Russek.
Holbrook.	Stevenson.
Parr.	Wirtz.
Patton.	Woodul.
Pollard.	

Absent.

Beck. Westbrook.

Absent—Excused.

Neal.

The amendment was lost by the following vote:

Yeas—8.

Cousins. Holbrook.

Parr.	Westbrook.
Russek.	Wirtz.
Stevenson.	Woodul.

Nays—21.

Berkeley.	Miller.
Cunningham.	Moore.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodward.
McFarlane.	

Absent.

Beck.

Absent—Excused.

Neal.

The resolution was adopted by the following vote:

Yeas—21.

Berkeley.	Miller.
Cunningham.	Moore.
DeBerry.	Parrish.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodward.
McFarlane.	

Nays—9.

Beck.	Russek.
Cousins.	Stevenson.
Holbrook.	Wirtz.
Parr.	Woodul.
Patton.	

Absent—Excused.

Neal.

S. C. R. No. 47.

The question recurred upon the substitute for S. C. R. No. 47.

Senator Love moved to postpone further consideration of this resolution and the substitute until after the executive session set for 2:00 o'clock p. m.

Senator DeBerry moved the previous question on the motion. The previous question was ordered by the following vote:

Yeas—20.

Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Small.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Woodward.

Nays—9.

Beck.	Russek.
Cousins.	Stevenson.
Holbrook.	Wirtz.
Parr.	Woodul.
Pollard.	

Absent.

Witt.

Absent—Excused.

Neal.

The motion to postpone prevailed by the following vote:

Yeas—21.

Berkeley.	Miller.
Cunningham.	Moore.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Small.
Hardin.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodward.
McFarlane.	

Nays—9.

Beck.	Russek.
Cousins.	Stevenson.
Holbrook.	Wirtz.
Parr.	Woodul.
Pollard.	

Absent—Excused.

Neal.

House Bill No. 347.

Senator Hornsby received unanimous consent to take up out of its regular order the following bill:

By Mr. Palmer:

H. B. No. 347, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by independent school districts in the State of Texas, which levies are unenforceable because of the governing bodies in such respective independent

school districts to make such levies by order, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 347 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Moore.	Woodward.

Absent.

Cunningham. Miller.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent.

Miller. Westbrook.

Absent—Excused.

Neal.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing,

and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 113. H. B. No. 518.
H. B. No. 157. H. B. No. 654.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senators Wirtz, Witt and Holbrook:

S. B. No. 113, A bill to be entitled "An Act to amend Articles 2669, 2670, 2671, 2672, and 2673 of Chapter 10, Title 49 of the Revised Civil Statutes of the State of Texas of 1925, relating to the investment of the permanent school fund by the State Board of Education by providing for the purchase by said board of bonds of the United States, the State of Texas, the bonds of counties of the State of Texas, the bonds of the independent school districts of Texas, and of the common school districts of said State, and the bonds of any incorporated city or town, and the bonds of road precincts of any county of the State of Texas, and the bonds of any drainage, irrigation, navigation and levee districts of any county or counties of Texas, and the obligations and pledges of the University of Texas."

By Senator Moore:

S. B. No. 292, A bill to be entitled "An Act amending Section 1 of Chapter 87 of the General Laws of the Regular Session of the Thirty-ninth Legislature so as to create the Twelfth Supreme Judicial District of Texas, and creating a new Court of Civil Appeals, said District to be composed of the counties of Hunt, Fannin, Delta, Hopkins, Rains, Kaufman, Wood, Van Zandt and Rockwall; providing for the appointment of and qualifications of the judges of said Court of Civil Appeals; providing for the transfer of cases to

the new Court of Civil Appeals herein created; and declaring an emergency."

With amendments.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate Amendments to H. B. No. 314 by a viva voce vote.

The House has adopted S. C. R. No. 45, providing for the publication of the Laws of the Forty-first Legislature.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. C. R. No. 49.

Senator Westbrook sent up the following resolution:

Be it resolved by the Senate, the House of Representatives concurring, that the House of Representatives be requested to return to the Senate H. B. No. 736, for the purpose of adopting a corrective amendment.

Read and adopted.

Motion to Recess.

Senator Hyer moved to recess until 2:00 o'clock p. m. The motion was lost by the following vote:

Yeas—10.

Beck.	Pollard.
Cousins.	Russek.
Hardin.	Stevenson.
Holbrook.	Wirtz.
Patton.	Woodul.

Nays—17.

Berkeley.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Greer.	Small.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	

Absent.

Parrish.	Woodward.
Witt.	

Absent—Excused.

Neal.

(Pairs Recorded.)

Senator Parr (present), who would vote yea with Senator Parrish (absent), who would vote nay.

Senator Woodul moved to recess until 2:00 o'clock p. m. The motion prevailed and at 12:05 o'clock p. m. the Senate recessed.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Executive Session.

At 2:00 o'clock p. m., the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room.

Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred nominations made by Governor Dan Moody, having had the same under consideration, beg leave to make the following report:

We report the following names to the Senate, with the recommendation that they be confirmed:

To be district judge of the Eighty-fourth Judicial District, Newton P. Willis.

To be district attorney of the Eighty-fourth Judicial District, J. A. Holmes.

To be district judge of the One Hundred and Ninth Judicial District, J. A. Drane.

To be district judge of the Thirty-first Judicial District, Reese Ewing.

To be district attorney of the Thirty-first Judicial District, Clifford G. Braly.

To be members of the Commission of Appeals of Court of Criminal Appeals, George E. Christian and A. B. Martin.

To be members of the Board of Regents of the State Teachers Col-

leges, W. H. Frey, E. H. Krohn, and Thomas A. Ball.

To be members of the Board of Medical Examiners for the State of Texas, Dr. H. W. Cummings, Dr. Joe Becton, Dr. L. H. Reeves, Dr. N. D. Buie, Dr. T. J. Crowe, Dr. M. E. Daniels, Dr. Wm. Roddy, Dr. S. C. Scothorn, Dr. H. C. Morrow and Dr. H. H. Blankmeyer.

To be members of the State Board of Health, Dr. J. M. Frasier and Dr. Joe S. Wooten.

To be members of the Board of Regents of College of Industrial Arts, Mrs. W. E. Spell, Mrs. Lee Joseph, Mrs. H. F. Ring and R. H. Hoffman.

To be member of the Texas Prison Board, Fred E. Horton.

To be members of State Board of Pharmacy: Erwin Joseph, Paul Carroll, John A. Weeks, C. Bryan Allison.

To be members of the State Text Book Commission: Nat Washer, A. L. Day, J. G. Dunlap, Mrs. Kathryn Robbins, Miss Catherine Gorbett, Tom Gerrard, J. C. Cochran.

To be members of the Pilot Commission for Sabine River Pass rivers and tributaries: W. L. Weatherall, George M. Craig, J. S. Edwards, P. P. Butler, H. L. McNeil.

To be public weighers of Harris county: G. T. Christensen, C. S. Gainer, Jr., D. Rice, H. B. Rice, Jr., C. P. Reynaud, C. L. Downey, J. D. Woolford, R. E. Tankersley, A. E. Cole, L. D. Bangard, John H. Lewis, T. E. Mulvihill, C. G. Timmins, Sr., R. R. Cottingham, E. R. Morgan, D. A. Daly.

Respectfully submitted,

WILLIAMSON, Chairman.

Read and adopted.

Committee Room,

Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Governor's nominations to whom was referred nominations made by Governor Dan Moody, having had the same under consideration, beg leave to make the following report:

We report the attached names for Notary commissions to the Senate, with the recommendation that they be confirmed.

Respectfully submitted,

WILLIAMSON, Chairman.

The Committee report was read and adopted.

(See immediately following Journal for last day.)

Miss Mary Jacobs, telephone operator of the Senate, was called into the Senate and presented with a gold bar pin by Lieutenant Governor Barry Miller on behalf of the Senate.

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 49, Recalling H. B. No. 736 to the Senate for the purpose of adopting a corrective amendment.

S. C. R. No. 48, Suspending a joint rule of the House and Senate relating to the last twenty-four hour rule.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Woodul:

S. B. No. 444, A bill to be entitled "An Act to amend Article 4891 of the Revised Civil Statutes of 1925 of the State of Texas, and to provide the conditions under which co-insurance clauses may be used in policies of insurance covering losses by fire to property in this State, and declaring an emergency."

By Senator Miller:

S. B. No. 587, A bill to be entitled "An Act making it unlawful to shoot at or kill any wild deer in Parker or Palo Pinto Counties, and providing a penalty, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Motions to Concur.

On motion of Senator Cunningham the Senate voted to concur in the House amendments to S. B. No. 86.

Senator Patton moved to concur in the House amendments to S. B. No. 570. The motion prevailed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Martin.

Absent—Excused.

Neal.

Senator Greer moved to concur in the House amendments to S. B. No. 536. The motion prevailed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Martin.

Absent—Excused.

Neal.

Senator Holbrook moved to concur in the House amendments to S.

B. No. 191. The motion prevailed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Martin.

Absent—Excused.

Neal.

Senator Love moved to concur in the House amendments to S. B. No. 292. The motion prevailed.

Senator Small moved to concur in the House amendments to S. B. No. 270. The motion prevailed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Martin.

Absent—Excused.

Neal.

Free Conference Report Adopted.

Senator Pollard sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, March 12, 1929.

Hon. Barry Miller, President of the Senate, and

Hon. W. S. Barron, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee appointed by your respective bodies to consider S. B. No. 226, have had said bill under consideration, and beg leave to report that we have reached the following agreement, to-wit:

The Senate Committee receded from its position and accepted all House amendments to the bill.

The bill as agreed upon is hereto attached and will more fully set out the agreement reached by your Conference Committee, which is attached hereto and made a part hereof.

Respectfully submitted,

POLLARD,
THOMASON,
BECK,
CUNNINGHAM,
MARTIN.

On the part of the Senate.

HOLDER,
SNELGROVE,
MOSELY,
KING.

On the part of the House.

A BILL

To Be Entitled

An Act making certain emergency appropriations out of the general revenue of the State for the Judiciary Department of the State Government, for the balance of the fiscal years ending August 31, 1927, 1928, and 1929; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money be, and the same are hereby, appropriated out of any funds in the State Treasury, not otherwise appropriated, to cover emergency appropriations, for the Judiciary Department of the State Government, for the balance of the fiscal years ending August 31, 1927, 1928, and 1929, which appropriations shall be for the emergencies hereinafter stated:

To pay traveling and living expenses of judges in the several courts of Civil Appeals of the State of

Texas on transferred cases for the fiscal years ending August 31, 1927, 1928, and 1929 \$1,837.86

To pay the balance of salaries of District Attorneys of the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 12th, 21st, 22nd, 23rd, 24th, 25th, 27th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 42nd, 46th, 47th, 49th, 50th, 51st, 52nd, 63rd, 64th, 69th, 70th, 72nd, 75th, 76th, 77th, 79th, 81st, 83rd, 90th, 100th, 104th, 106th, Judicial Districts of the State of Texas, at \$10.00 each, for the fiscal year ending August 31, 1928 490.00

TOTAL **\$2,327.86**

Sec. 2. The fact that the appropriations heretofore made for the above items are exhausted or will become exhausted before the expiration of the time for which the same were appropriated, creates an emergency and an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each House, and the rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and adopted by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Martin.

Absent—Excused.

Neal.

Simple Resolution No. 98

Senator Hardin sent up the following resolution:

Whereas, on February 22, warrant No. 956 for \$35.00 was issued to Miss Catherine Stadler, Secretary to the Senator from Erath, and

Whereas said warrant has been lost and the record of the Comptrollers and Treasury Departments show the said warrant has not been paid, therefore be it

Resolved that the President and Secretary of Senate be and are hereby authorized to issue another warrant for \$35.00 to Miss Stadler, covering the days from Feb. 16 to Feb. 22, 1929, inclusive.

HARDIN.

The resolution was read and adopted.

S. C. R. No. 47.

The question recurred upon the adoption of the substitute for S. C. R. No. 47.

House Bill No. 495.

Senator Love moved to suspend the regular order of business and take up out of its regular order the following bill:

By Mr. Gilbert, Mr. Murphy and Mr. Hubbard:

H. B. No. 495, A bill to be entitled "An Act relating to the registration of motor vehicles, trailers and semi-trailers; prescribing the license fees required for their registration; providing for the distribution and appointment of all license fees collected pursuant to this Act."

The motion prevailed.

Senator Love sent up the following amendment:

Amend paragraph (i) of Section 1 of House Bill no. 495 as passed by the House so as to read as follows:

"(i) 'Commercial motor vehicle' means any motor vehicle other than a motorcycle designed or used for the transportation of property."

The amendment was read and adopted unanimously.

Senator McFarlane sent up the following amendment:

Amend H. B. No. 495 by striking out the words \$300,000.00 in Sec-

tion 10, paragraph 2, and inserting in lieu thereof the words \$200,000.

McFARLANE.
DeBERRY.

The amendment was read.

Senator Witt sent up the following amendment to the amendment:

Amend the amendment by striking out the words and figures 200,000, and insert in lieu thereof the words and figures 150,000.

WITT.

The amendment to the amendment was read.

Senator DeBerry moved the previous question on the pending amendment, the amendment to the amendment, and the final passage of the bill. The previous question failed to be ordered by the following vote:

Yeas—12.

Berkeley.	Miller.
Cunningham.	Parrish.
DeBerry.	Small.
Hyer.	Thomason.
Love.	Williamson.
McFarlane.	Woodward.

Nays—16.

Beck.	Parr.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Hornsby.	Wirtz.
Martin.	Witt.
Moore.	Woodul.

Absent.

Holbrook. Westbrook.

Absent—Excused.

Neal.

Senator DeBerry moved the previous question on the pending amendment, the amendment to the amendment, and the final passage of the bill.

Senator Pollard called for a division of the question.

The previous question on the amendment to the amendment was ordered by the following vote:

Yeas—13.

Berkeley.	Hyer.
DeBerry.	Love.
Hardin.	Martin.
Hornsby.	McFarlane.

Miller.
Parrish.
Small.

Thomason.
Williamson.
Woodward.

Nays—12.

Beck.	Pollard.
Cousins.	Russek.
Cunningham.	Stevenson.
Gainer.	Wirtz.
Holbrook.	Witt.
Parr.	Woodul.

Absent.

Patton. Westbrook.

Absent—Excused.

Neal.

(Pairs Recorded)

Senator Greer (present), who would vote Nay with Senator Moore (absent), who would vote Yea.

The previous question on the original amendment was ordered by the following vote:

Yeas—14.

Berkeley.	McFarlane.
DeBerry.	Miller.
Hardin.	Parrish.
Hornsby.	Small.
Hyer.	Thomason.
Love.	Williamson.
Martin.	Woodward.

Nays—12.

Beck.	Pollard.
Cousins.	Russek.
Cunningham.	Stevenson.
Gainer.	Wirtz.
Holbrook.	Witt.
Parr.	Woodul.

Absent.

Patton. Westbrook.

Absent—Excused.

Neal.

(Pairs Recorded)

Senator Greer (present), who would vote Nay with Senator Moore (absent), who would vote Yea.

The previous question on the final passage of the bill failed to be ordered by the following vote:

Yeas—13.

Berkeley.	Hardin.
DeBerry.	Hornsby.

Hyer.	Small.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Woodward.
Parrish.	

Nays—13.

Beck.	Pollard.
Cousins.	Russek.
Cunningham.	Stevenson.
Gainer.	Wirtz.
Holbrook.	Witt.
Miller.	Woodul.
Parr.	

Absent.

Patton. Westbrook.

Absent—Excused.

Neal.

(Pair Recorded.)

Senator Greer (present), who would vote nay with Senator Moore (absent), who would vote yea.

(President Pro Tem Woodward was in the Chair. He had already voted and could not therefore break the tie. Hence, the motion was lost.)

The amendment to the amendment was lost by the following vote:

Yeas—12.

Beck.	Pollard.
Cousins.	Russek.
Gainer.	Stevenson.
Greer.	Wirtz.
Holbrook.	Witt.
McFarlane.	Woodul.

Nays—15.

Berkeley.	Moore.
DeBerry.	Parr.
Hardin.	Parrish.
Hornsby.	Small.
Hyer.	Thomason.
Love.	Williamson.
Martin.	Woodward.
Miller.	

Absent.

Cunningham. Westbrook.
Patton.

Absent—Excused.

Neal.

The original amendment was lost by the following vote:

Yeas—16.

Beck. Cousins.

Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Stevenson.
Greer.	Wirtz.
Holbrook.	Witt.
McFarlane.	Woodul.
Parr.	Woodward.

Nays—12.

Berkeley.	Miller.
Hardin.	Moore.
Hornsby.	Parrish.
Hyer.	Small.
Love.	Thomason.
Martin.	Williamson.

Absent.

Patton. Westbrook.

Absent—Excused.

Neal.

(Two-thirds vote required.)

Senator Witt moved to reconsider the vote by which the bill was engrossed.

Senator Love moved the previous question on the motion, and the final passage of the bill.

Senator Witt called for a division of the question.

The previous question on the motion to reconsider was ordered by the following vote:

Yeas—20.

Beck.	Martin.
Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Parrish.
Greer.	Small.
Hardin.	Thomason.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.

Nays—8.

Cousins.	Russek.
Holbrook.	Stevenson.
Parr.	Wirtz.
Pollard.	Witt.

Absent.

Patton. Westbrook.

Absent—Excused.

Neal.

The previous question on the final

passage of the bill was ordered by the following vote:

Yeas—18.

Beck.	Martin.
Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Greer.	Parrish.
Hardin.	Small.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Woodward.

Nays—11.

Cousins.	Russek.
Gainer.	Stevenson.
Holbrook.	Wirtz.
Parr.	Witt.
Patton.	Woodul.
Pollard.	

Absent.

Westbrook.

Absent—Excused.

Neal.

The motion to reconsider the vote by which the bill was engrossed prevailed by the following vote:

Yeas—16.

Berkeley.	McFarlane.
DeBerry.	Miller.
Greer.	Moore.
Hardin.	Parrish.
Hornsby.	Small.
Hyer.	Thomason.
Love.	Williamson.
Martin.	Woodward.

Nays—12.

Beck.	Pollard.
Cousins.	Russek.
Gainer.	Stevenson.
Holbrook.	Wirtz.
Parr.	Witt.
Patton.	Woodul.

Present—Not Voting.

Cunningham.

Absent.

Westbrook.

Absent—Excused.

Neal.

Senator McFarlane sent up the following amendment:

Amend H. B. No. 495 by striking

out the words \$300,000.00, in Section 10, paragraph 2, and inserting in lieu thereof the words \$200,000.00.

McFARLANE
DeBERRY.

The amendment was read.

Senator Love moved the previous question on the amendment and the engrossment of the bill. The previous question was ordered by the following vote:

Yeas—15.

Beck.	Pollard.
Cousins.	Russek.
Cunningham.	Stevenson.
Gainer.	Wirtz.
Greer.	Witt.
Holbrook.	Woodul.
Parr.	Woodward.
Patton.	

Nays—14.

Berkeley.	McFarlane.
DeBerry.	Miller.
Hardin.	Moore.
Hornsby.	Parrish.
Hyer.	Small.
Love.	Thomason.
Martin.	Williamson.

Absent.

Westbrook.

Absent—Excused.

Neal.

The amendment was adopted by the following vote:

Yeas—17.

Beck.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Stevenson.
Greer.	Wirtz.
Holbrook.	Witt.
McFarlane.	Woodul.
Miller.	

Nays—12.

Berkeley.	Moore.
Hardin.	Parrish.
Hornsby.	Small.
Hyer.	Thomason.
Love.	Williamson.
Martin.	Woodward.

Absent.

Westbrook.

Absent—Excused.

Neal.

The bill as amended passed to third reading.

The motion of Senator Love that the constitutional rule requiring bills to be read on three several days be suspended and H. B. No. 495 be put on its third reading and final passage, was lost by the following vote:

Yeas—23.

Beck.	Moore.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Nays—6.

Cousins.	Parr.
Gainer.	Patton.
Holbrook.	Woodul.

Absent.

Westbrook.

Absent—Excused.

(Four-fifths vote required.)

Senator Patton moved to reconsider the vote by which the Senate failed to suspend the rule. The motion prevailed.

The committee report was adopted.

The motion to suspend the constitutional rule requiring bills to be read on three several days and put H. B. No. 495 on its third reading and final passage, prevailed by the following vote:

Yeas—24.

Beck.	Love.
Berkeley.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Greer.	Moore.
Hardin.	Parrish.
Hornsby.	Patton.
Hyer.	Pollard.

Russek.
Small.
Stevenson.
Thomason.

Williamson.
Wirtz.
Witt.
Woodward.

Nays—5.

Cousins.
Gainer.
Holbrook.

Parr.
Woodul.

Absent.

Westbrook.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—19.

Berkeley.	Moore.
Cunningham.	Pollard.
DeBerry.	Russek.
Hardin.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Nays—9.

Beck.	Parr.
Cousins.	Patton.
Gainer.	Wirtz.
Greer.	Woodul.
Holbrook.	

Absent.

Parrish.

Westbrook.

Absent—Excused.

Neal.

Simple Resolution No. 99.

Senator Pollard sent up the following resolution:

Whereas, Mrs. Dan Moody and Lieutenant Colonel Dan Moody are within the bar of the Senate, be it

Resolved That they be presented to the Senate.

POLLARD,
WIRTZ,
WOODUL.

The resolution was read and adopted.

Mrs. Moody and son left the Chamber before the resolution was adopted.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 314.	H. B. No. 629.
H. B. No. 496.	S. B. No. 292.
H. B. No. 503.	S. B. No. 586.
H. B. No. 313.	S. B. No. 86.
H. B. No. 742.	S. B. No. 191.
H. B. No. 232.	S. B. No. 270.
H. B. No. 347.	H. B. No. 532.

House Bill No. 281.

The Chair laid before the Senate on second reading the following bill:

By Mr. Giles and Mr. Carpenter:

H. B. No. 281, A bill to be entitled "An Act to amend Article 6215, Title 109, Revised Statutes of Texas, 1925, relative to the time of payment of pensions, affidavits supporting claims and warrants issued in payment thereof, by changing the time of payment of the pensions so as to provide that payments shall be made on the first day of each year; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Thomason, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 281 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	'Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane,	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

S. C. R. No. 50.

Senator Berkeley sent up the following resolution:

Whereas, It appears that an error occurs in S. B. No. 257 which should be corrected; therefore, be it

Resolved, by the Senate, the House concurring, That S. B. No. 257 be recalled from the Governor for correction by amendment.

Read and adopted.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, March 13, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

By Senator Westbrook:

S. B. No. 161, A bill to be entitled "An Act amending Article 6814, Title 117, of the Revised Civil Statutes of the State of Texas of 1925, being an Act fixing the salary of the Commissioner of the Bureau of Labor Statistics, his assistants, deputies and inspectors."

Respectfully submitted.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills Signed.

The Chair, Lieutenant Governor

Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 444.

Free Conference Committee Report.

Senator Moore sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate,

Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred

S. B. No. 126, A bill to be entitled "An Act further regulating the practice of medicine within this State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners and the Secretary-Treasurer thereof, in respect to the collection and expenditure of funds raised from the collection of such fees; and providing that it shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State, etc., and declaring an emergency."

Have had the same under consideration, and beg leave to report that we have adjusted the difference between the House and the Senate on said bill and recommend the passage of the following substitute bill:

By Moore.

S. B. No. 126.

A BILL

To Be Entitled

An Act further regulating the practice of medicine within this State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners and the Secretary-Treasurer thereof, in respect to the collection and expenditure of funds raised from the collection of such fees; and providing that it shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this

State, as defined in Article 4510, Revised Civil Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, on or before the first day of January, 1930, and thereafter to annually register as such practitioners, requiring in connection with such annual registration a fee of \$2.00, such payment to be made as prescribed in the Act; and further providing that, upon receipt of the annual payment of such registration fee, the Secretary-Treasurer of the Texas State Board of Medical Examiners, after ascertaining from the records of the Board or from other reliable sources that the applicant is a licensed practitioner, shall issue to the applicant an annual registration certificate certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question, and providing that such registration and the payment of such fee shall not entitle the holder of such certificate to practice medicine within the State of Texas unless he has been previously duly licensed as such practitioner by the Texas State Board of Medical Examiners, and prescribing the effect of such certificate as evidence in a prosecution for the unlawful practice of medicine; and further prescribing a penalty for failure to pay such annual registration fee; and further providing that the fund realized from the collection of such annual registration fee shall constitute a special fund, and defining the purposes for which said fund may be expended, and conferring certain powers and duties upon the Texas State Board of Medical Examiners; conferring certain powers and imposing certain duties upon the Secretary-Treasurer of the Texas State Board of Medical Examiners, and prescribing his salary for the performance of the duties imposed upon him by this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of all persons now lawfully qualified and engaged in the practice of medi-

cine of this State as defined in Article 4510, Revised Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, to be registered as such practitioners with the Texas State Board of Medical Examiners on or before the First Day of January, A. D. 1930, and thereafter to register in like manner annually, on or before the First Day of January of each succeeding year. Each person so registering with the Texas State Board of Medical Examiners shall pay, in connection with each annual registration and for the certificate hereinafter provided for, a fee of Two Dollars (\$2.00), which fee shall accompany the application of every such person for such registration. Such payment shall be made to the Secretary-Treasurer of the Texas State Board of Medical Examiners. Every person so registering shall file with the Secretary-Treasurer of the Texas State Board of Medical Examiners a written application for annual registration, setting forth his full name, his age, his Post Office, his place of residence, the county or counties in which his certificate entitling him to practice medicine has been registered, and the place or places where he is engaged in the practice of medicine, as well as the school of medicine to which he professes to belong and the date of his certificate.

Upon receipt of such application, accompanied by the registration fee of Two Dollars (\$2.00), the Secretary-Treasurer of the Texas State Board of Medical Examiners, after ascertaining, either from the records of the Board or from other sources deemed by him to be reliable, that the applicant is a licensed practitioner of medicine in this State, shall issue to the applicant an annual registration certificate, certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question; provided, that the filing of such application, the payment of the registration fee, and the issuance of such certificate shall not entitle the holder thereof to lawfully practice medicine within the State of Texas, unless he has in fact been previously licensed as such practitioner by the Texas State Board of Medical

Examiners, as prescribed by law, and has recorded his certificate entitling him to practice, as issued by said Board, in the District Clerk's office of the several counties in which the same may be required by law to be recorded, and unless his license to practice medicine is in full force and effect; and provided further that, in any prosecution for the unlawful practice of medicine as denounced in Chapter 6, Title 12, of the Penal Code of Texas, such certificate showing payment of the annual registration fee required by this Act shall not be treated as evidence that the holder thereof is lawfully entitled to practice medicine.

Sec. 2. If any person required to register as a practitioner of medicine under the provisions of Section 1 of this Act shall fail, neglect or refuse to apply for such registration and pay the annual registration fee before the expiration of sixty days after the First Day of January of each year, his license to practice medicine, previously issued to him, shall stand forfeited, so that, for thereafter practicing medicine, he shall be subject to the penalty imposed by Article 742 of the Penal Code of 1925 upon any person unlawfully practicing medicine in this State; provided, that such license shall be reinstated at any time upon written application of the holder, made to the Texas State Board of Medical Examiners, accompanied by payment of the annual registration fees in arrears; and an additional fee of One Dollar (\$1.00), and without examination or the performance of any other condition.

And provided further that when any such forfeited license is thus reinstated, the practitioner's license shall stand as if the same had never been forfeited, and if any prosecutions have been filed or any penalties incurred on account of the practice of medicine by such practitioner during the period when such license stood forfeited, said prosecutions and penalties shall be completely abated, and such reinstatement shall be a complete defense to the same.

Sec. 3. All annual registration fees collected by the Secretary-Treasurer of the Texas State Board of Medical Examiners under this

Act shall be placed in the State Treasury, to the credit of a special fund to be known as the "Medical Registration Fund," and all of said fund is hereby appropriated and shall be used by the Texas State Board of Medical Examiners, and under its direction, in the enforcement of the laws of this State prohibiting the unlawful practice of medicine, and in the dissemination of information to prevent the violation of such laws and to aid in the prosecution of those who violate such laws. The Texas State Board of Medical Examiners shall be authorized to employ and to compensate from such special fund employees and such other persons as may be found necessary to assist the local prosecuting officers of any County in the enforcement of all the laws of the State prohibiting the unlawful practice of medicine, and to carry out the other purposes of which said fund is hereby appropriated. Provided no special prosecutor shall be employed by the State Board of Medical Examiners except upon request of the prosecuting officer or officers of the county in which such prosecution is to be had, and provided further that no money shall be expended out of said "Medical Registration Fund" for the employment of special prosecutor or prosecutors except upon warrant approved by the Governor.

The Secretary-Treasurer of the Texas State Board of Medical Examiners shall receive a salary of not more than Four Thousand Dollars, (\$4,000.00) per annum, for the performance of the duties imposed upon him by this Act, and shall make and file a surety bond in favor of the Texas State Board of Medical Examiners, in the sum of not less than Ten Thousand Dollars (\$10,000.00), conditioned that he will faithfully discharge the duties of his office. His salary shall be paid out of said "Medical Registration Fund" and shall not be, in any way, a charge upon the general treasury of the State. The Texas State Board of Medical Examiners shall employ and provide such clerks and employees as may be necessary to assist the Secretary-Treasurer in performing his duties and in carrying out the purpose of this Act; Provided, that the compensation of all persons authorized to be employed under this

chapter shall be paid only out of said "Medical Registration Fund."

Sec. 4. This Act shall not be construed as repealing any part of Chapter Six of Title 71, Revised Civil Statutes of 1925, or Chapter Six of Title 12 of the Penal Code of 1925.

Sec. 5. The fact that it is desirable to have a State record properly kept, showing the number of persons engaged in the practice of medicine in this State, and showing where such persons are so engaged, and the fact that additional funds are needed to properly enforce the laws of this State, prohibiting the unlawful practice of medicine, and the additional power should be conferred on the Texas State Board of Medical Examiners to assist in such prosecutions and to aid in the enforcement of such laws, creates an emergency, which requires that the Constitutional rule requiring bills to be read on three several days, be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

MOORE,
WOODWARD,
LOVE,
BECK,
HORNSBY.

On the part of the Senate.

PURL,
MOORE,
HORNADAY,
GRAVES.

On the part of the House.

The report was read.

Senator Moore moved the previous question on the report. The previous question was ordered.

The report was adopted by the following vote:

Yeas—22.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Patton.
DeBerry.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Miller.	Woodward.

Nays—4.

Cunningham.	Martin.
Gainer.	Parrish.

Absent.
Westbrook.
Absent—Excused.
Neal. Williamson.
(Pairs Recorded.)
Senator McFarlane (present), who would vote nay with Senator Small (absent), who would vote yea.

Message from the Governor

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,
Austin, Texas, March 13, 1929.
To the Honorable Senate of Texas:
I return herewith S. B. No. 254, No. 256, No. 370, No. 397, No. 448, No. 451, No. 502, No. 596.

Each of these bills, with the exception of No. 254, are general Acts but seem to be worded so as to give them application to only one county. Senate Bill No. 254 amends an existing Article. Each of the bills herewith returned are in their nature bills carrying increases in salaries, fees or compensation to some local officer or officers of the county to which the bill, or the Article, as amended, applies.

I have vetoed each of the bills for the reason that I do not agree that the necessity exists for the increases in compensation carried by the several bills, and I return them herewith.

Respectfully submitted,
DAN MOODY,
Governor.

Motion to Recess.

Senator Hornsby moved to recess until 9:00 o'clock Thursday morning. The motion was lost by the following vote:

Yeas—11.

Cunningham.	Russek.
Gainer.	Stevenson.
Greer.	Wirtz.
Holbrook.	Witt.
Patton.	Woodul.
Pollard.	

Nays—14.

Berkeley.	Hornsby.
DeBerry.	Hyer.
Hardin.	Love.

Martin.	Parr.
McFarlane,	Parrish.
Miller.	Williamson.
Moore.	Woodward.

Absent.

Beck.	Thomason.
Cousins.	Westbrook.
Small.	

Absent—Excused.

Neal.

Simple Resolution No. 100.

Senator Woodward sent up the following resolution:

Resolved by the Senate that H. B. No. 495 be recalled from the House of Representatives.

The resolution was read.

Senator Woodward moved to take up the resolution. The motion was lost by the following vote:

Yeas—13.

Berkeley.	Miller.
DeBerry.	Moore.
Hardin.	Parr.
Hornsby.	Parrish.
Hyer.	Williamson.
Love.	Woodward.
McFarlane.	

Nays—11.

Cousins.	Pollard.
Cunningham.	Russek.
Gainer.	Wirtz.
Greer.	Witt.
Holbrook.	Woodul.
Patton.	

Absent.

Small.	Thomason.
Stevenson.	Westbrook.

Absent—Excused.

Neal.

(Pairs Recorded)

Senator Martin (present), who would vote yea with Senator Beck (absent), who would vote nay.

(Two-thirds required.)

Motion to Adjourn.

Senator Williamson moved to adjourn until 9:00 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas— 9.

Cousins.	Williamson.
Cunningham.	Wirtz.
DeBerry.	Woodul.
Holbrook.	Woodward.
Hyer.	

Nays—14.

Berkeley.	Moore.
Gainer.	Parr.
Greer.	Patton.
Hardin.	Pollard.
Hornsby.	Russek.
Love.	Thomason.
McFarlane,	Witt.
Miller.	

Absent.

Beck.	Small.
Martin.	Stevenson.
Parrish.	Westbrook.

Absent—Excused.

Neal.

Recess.

On motion of Senator Pollard, the Senate, at 6:30 o'clock p. m., recessed until 9:00 o'clock Thursday morning.

APPENDIX.

Petitions and Memorials.

Hon. Barry Miller, President of the Senate of the Forty-first Legislature:

Please convey to the members of the Senate of the Forty-first Legislature our great appreciation of the resolutions of respect in memory of our father, William Stewart Simkins, who passed into life eternal February the twenty-seventh, 1929.

It is a comfort to us to realize that the attainments and usefulness of his long career are so fully recognized by his many friends.

HELEN SIMKINS LAWTHER,
ELIZABETH SIMKINS MASTERSON

The State of Texas

STATE HIGHWAY DEPARTMENT

Austin, Texas, March 12, 1929.

Hon. Barry Miller,
Lieutenant Governor,
Austin, Texas.

Dear Governor Miller:

Some time ago we were talking

about the height of the star on the capitol and at your request I agreed to get this for you. I take pleasure in submitting the following information which we have secured:

(1) Elevation of gutter line at the intersection of Eleventh Street and Congress Avenue515.98,

(2) Elevation first floor Capitol Building at center of rotunda 554.74

(3) Elevation of tip of star on Capitol dome851.88

The elevation shown being in feet above sea level.

The above elevations show that the tip of the star is 297.14 feet above the first floor elevation at the center of the rotunda and 335.90 feet above the gutter line at Eleventh Street and Congress Avenue, at the point where one steps upon the walk to enter the capitol grounds.

Hoping this is the information you desire, I am,

Yours very truly,

GIBB GILCHRIST.

State Highway Engineer.

Committee on Enrolled Bills.

Committee Room.

Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 605 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:15 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 315 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:15 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. B. No. 613 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:15 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room.

Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 113 carefully examined and compared, and find the same correctly enrolled, and have this day at 11:40 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room.

Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 292 carefully examined and compared, and find the same correctly enrolled, and have this day at 5:50 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room.

Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 536 carefully examined and compared, and find the same correctly enrolled, and have this day at 5:50 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room.

Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 270 carefully examined and compared, and find the same correctly enrolled, and have this day at 5:50 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room.

Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 191 carefully examined and compared, and find the same correctly enrolled, and have this day at 5:50 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room.

Austin, Texas, March 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 86 carefully examined and compared, and find the same correctly enrolled, and have this day at 5:50 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room.

Austin, Texas, March 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 121, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, March 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 482 A bill to be entitled "An Act to amend Article 879c and 879g, Chapter 215 of the General and Special Laws of the State of Texas, passed by the Fortieth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, March 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 278, A bill to be entitled "An Act prescribing the kind of tackle and method for taking fish from the fresh water of certain

counties, and prohibiting all others; prohibiting possession of any tackle, not authorized by this Act, within two hundred yards of any fresh waters mentioned herein; prescribing penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

FORTY-SEVENTH DAY.

(Continued)

Senate Chamber,
Austin, Texas,
March 14, 1929.

The Senate met at 9 o'clock a. m. pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 161.	S. B. No. 444.
S. B. No. 570.	H. B. No. 281.
S. B. No. 587.	H. B. No. 117.

Senators Excused.

On motion of Senator Hornsby, Senator Parr was excused for the day on account of important business.

On motion of Senator DeBerry, Senator Martin was excused for the day on account of important business.

Simple Resolution No. 101.

Senator Pollard sent up the following resolution:

Whereas, it will be necessary for the Finance Committee of the Senate of the Forty-first Legislature of Texas to do a part of its work prior to the meeting of the First Called Session of the Legislature.

Now, Therefore, Be It Resolved by the Senate of Texas that the Finance Committee of the Senate is hereby fully authorized and empowered to meet upon the call of the Chairman at such time and at such place as the Committee shall desire

after adjournment of the Regular Session of the Forty-first Legislature, and to continue in session at such place or places for the purpose of preparing appropriation bills to be introduced at the called session of the Forty-first Legislature, and said Committee is fully authorized and empowered to visit any or all of the Institutions of the State of Texas as said Committee may deem to be the best interest of the State.

Be It Further Resolved that each member of said Committee or any other Senator who desires to assist the Finance Committee shall have paid by the State of Texas all his expenses incurred in performing his official duty with said Committee, including hotel bills, transportation and all other necessary expenses incurred by said members of the Committee in the City of Austin, Texas, or elsewhere within this State.

Be It Further Resolved that the Chairman of said Committee shall appoint such help, including a Secretary and such assistants as may be necessary for the work of said Committee, or sub-committee to serve during the ad interim after the adjournment of the Regular Session of the Forty-first Legislature, and prior to the meeting of the First Called Session of the Forty-first Legislature, said Secretary and assistants to draw such salary as provided for during the Regular Session of the Legislature, and said Secretary and assistants shall, if deemed necessary, accompany the Finance Committee upon any and all trips made by said Committee, and the expenses of said Secretary and assistants shall be paid out of the contingent expense fund of the Regular Session of the Forty-first Legislature.

Be It Further Resolved that the Lieutenant Governor be invited to meet with the Finance Committee and accompany it on such trips as the Committee may make, and that all of his necessary expenses, including transportation, hotel bills, etc., shall be paid out of the contingent expense fund of the Forty-first Legislature.

All of said necessary expenses are to be paid upon vouchers attested to by the Secretary of the Finance Committee and signed by the Chairman of the Finance Committee of the